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BIKRAM'S YOGA COLLEGE OF INDIA, L.P.
and BIKRAM CHOUDHURY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

BIKRAM'S YOGA COLLEGE OF INDIA, L.P., a California limited partnership; BIKRAM CHOUDHURY, an individual, Plaintiffs, v. EVOLATION YOGA, LLC, a New York limited liability company; MARK DROST, and individual; ZEFEA SAMSON, an individual; and DOES 1 through 10, inclusive, Defendant. AND RELATED COUNTERCLAIM	Case No. CV-11-05506-ODW (SSx) Hon. Otis D. Wright, II Courtroom 11 DECLARATION OF ANDREA HATTON FILED IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT [Filed Concurrently with Memorandum of Points and Authorities, Declarations of Bikram Choudhury and Robert M. Gilchrest, Proposed Statement of Controverted and Uncontroverted Facts and Conclusions of Law, and Proposed Order] Date: December 10, 2012 Time: 1:30p.m. Place: Courtroom 11- Spring Street Complaint Filed: July 1, 2011 Trial Date: January 29, 2013

I, Andrea Hatton, do hereby state and declare as follows:

1. If called and sworn as a witness, I could and would testify competently and truthfully to the following.

A. My Background And Introduction To Bikram Yoga

1. I graduated from Oral Roberts University in Tulsa, OK in 1998 having had majored in Music and Psychology. I was very involved in performing groups that toured the country and overseas. I also was a dancer and began performing with a dance troupe that toured Tulsa Public Schools for art education purposes. I began touring with the troupe after graduation.

2. Several of the girls who I danced with attended classes at the Bikram's Yoga College of India in Tulsa and encouraged me to try. I attended my first class in 2001 and was soon attending classes very regularly 3-4 times a week. After 10 months of practice, I decided to attend Bikram Yoga teacher training in order to become a certified Bikram Yoga instructor.

3. My time at Bikram's Teacher Training was some of the most difficult and challenging days I have ever experienced. I worked endlessly as did all the students to master the "Dialogue" that we were required to learn in order to teach the 26 postures correctly. The 26 postures, in English (as opposed to Sanskrit), are standing deep breathing, half moon pose, awkward pose, eagle pose, standing head to knee pose, standing bow pose, balancing stick, standing separate leg stretching pose, triangle pose, standing separate leg head to knee pose, tree pose, toe stand, dead body pose, wind-removing pose, cobra pose, locust pose, full locust pose, bow pose, fixed firm pose, half tortoise pose, camel pose, rabbit pose, head to knee with stretching pose, spine twisting pose and blowing in firm pose. We were required to memorize word for word the dialogue for each posture and to stand in front of our peers and teachers to give this instruction correctly in order to pass on to the next posture. In

order to graduate from Teacher Training, we were required to have had memorized and successfully passed each posture. I passed each posture and by the end of the training lived and breathed the dialogue day and night. At training, we signed an agreement that we would only teach Bikram dialogue and Bikram postures at an official Bikram Yoga school and that anything beyond this was strictly prohibited. This was a point that was brought up many times during training by Bikram and others working for Bikram at the training.

4. After training I started teaching immediately at the Bikram's Yoga College of India in Tulsa, OK. I taught 6 classes a week and soon felt very comfortable in this new role of teacher. I continued to hone and improve my dialogue by continuing to study the words and the postures almost daily. After my time in Tulsa was up, I moved to Portland, OR to be closer to family where I taught at Bikram Yoga Hall Street, and Bikram Yoga West Moreland. I received some good mentoring as a teacher in Portland, OR and taught 6-10 classes a week for a year and a half.

5. From Portland, I moved to San Diego, CA in 2005. Once again, I taught on average 6-10 classes a week. The owner of the studio at which I taught in San Diego required teachers to stick closely to the dialogue and asana sequence. I taught in San Diego for 10 months before moving to the L.A. area.

6. I came to the L.A. area in 2006. I taught at Bikram Yoga Pasadena and Bikram Yoga La Canada from 2006 through June, 2011. Like the studio owner in San Diego, the studio owners in Pasadena and La Canada required their instructors to stick closely to the dialogue and the asana sequence.

B. The Request That I Take Classes At Evolation Studios

7. Robert Gilchrest took many classes I taught at Bikram La Canada during the approximately five years I taught at that studio. In or about April 2011, I

announced that I would be moving to New York City because my husband had accepted a job there. In May 2011, Mr. Gilchrest asked me to take classes at a couple of studios in New York and on the East Coast. I agreed, and attended class at the Evolation Yoga studios in Brooklyn, NY, Buffalo, NY, and also Tampa, FL.

8. My assignment was to take the classes Evolation offered called "Hot 90" and "Warm 60" to see if the 26 postures taught at Evolation are the same or substantially the same as in the Bikram series and if they are taught with the Bikram Dialogue. As explained in more detail below, I can say that in all three studios they are definitely teaching Bikram Yoga and using Bikram Dialogue.

9. In addition, as a Bikram Yoga teacher and practitioner of Bikram Yoga, I have read Bikram's Beginning Yoga Book and referenced it on several occasions. Each of the three Evolation Yoga Studios I visited either had the book in the lobby as a reference for the students or sold the book in their retail sections of the studio. The instructors at each of the three Evolation Yoga Studios at which I took classes taught the Hot 90 and Warm 60 classes following the asana sequence described in the Book and the style of each asana (i.e., posture) depicted in the Book either precisely or close to the same. And the instructors at each of the three Evolation Yoga Studios at which I took classes utilized Bikram's dialogue described in Bikram's book either verbatim or close to verbatim.

10. I am also familiar with Bikram's Beginning Yoga Class on CD and Rajashree's Pregnancy DVD. I have practiced listening to both the CD and the Pregnancy DVD numerous times since 2003. In addition, the dialogue and the asana sequence taught at all three studios were the same or substantially the same to what can be found and heard on Bikram's Beginning Yoga Class CD and Rajashree's Pregnancy DVD.

C. My May 9th, 2011 Yoga Class at Evolation Yoga: Brooklyn, NY.

11. The Evolation Studio in Brooklyn, NY is located at 197 Clifton Place, Brooklyn, New York 11238. I took a 90 minute "Hot 90" morning class on May 9, 2011. The class started and ended with students in seated meditation. The asana sequence was the same as the Bikram's asana sequence. The dialogue utilized by the instructor was the same as Bikram's dialogue. However, the instructor led us through one set of standing head to knee, we went from tree posture directly in to toe stand, and one set of janushirasana with stretching. But, the dialogue and the posture sequence as I experienced it was the same or substantially the same as is described and depicted in Bikram's Beginning Yoga Book, Bikram's Beginning Yoga Class on CD, Rajashree's Pregnancy (without the modifications for pregnant women) and/or Bikram's Teacher Training. They dialogue and sequence they used are exactly the same as the Bikram Sequence and the Bikram Dialogue both taught at Teacher Training and in Bikram's Beginning Yoga Book, with only minor alterations.

D. My May 14, 2011 Yoga Class at Evolation Yoga: Buffalo, NY

12. I took two classes at Evolation Buffalo, located at 912 Elmwood Avenue, Buffalo, NY 14222; both the "Warm 60" and the "Hot 90". In the Warm 60 class, the teacher started us with Pranayama breathing and we did two sets. After that, we did one set of each of the 26 Bikram method pose, except for Camel Pose and Rabbit Pose, which we did two sets of. The sequence was in the exact same order as the Bikram Sequence. The teacher used almost exact verbatim dialogue for the breathing and the poses. The sit-ups were done a bit differently, more of a Pilates style sit-up is how the instructor explained it, but very similar to the Bikram style sit-up. The room was barely warm.

13. The Hot 90 class began with a short seated meditation and then started with Pranayama deep breathing. We did two sets of everything except for one set of Standing Head to Knee and one set of Tree Pose that led right in to Toe Stand, also one set of Head to knee pose with Stretching. We ended in a seated meditation where the teacher led us through a couple minutes of guided meditation and relaxation before we ended in Savasana. There were no corrections from the teacher, even when students in front of me were doing completely wrong things in the poses. The teacher definitely taught Bikram dialogue though not verbatim, she added in her own words as well. The room was much warmer than in the warm 60.

14. In the studio I found no Bikram books, or literature. However, there were a couple of articles on the wall that referenced that this studio, opened by Mark Drost, was teaching Bikram yoga but taking it further with meditation and being more allowing and compassionate with the pace and demands. The studio itself had mirrors in the front of the room, a requirement of approved Bikram Yoga studios. All in all, the experience offered by in the classes I took at this Evolation studio closely resembled the experience offered at a Bikram Yoga studio.

E. My May 15th, 2011 Yoga Class at Evolation Yoga: Tampa, FL.

15. The Evolation Yoga studio in Tampa, Florida is located at 2825 South MacDill Avenue, Tampa, FL 33629. When I arrived at the studio to take the Hot 90 class, the teacher who was also running the desk sign in asked me if I had done Bikram yoga before. He said this is just like Bikram with a few little modifications and nuances. The class ran exactly like all the others. It started and ended in meditation, and had only one set of the same postures as above. The teacher taught Bikram dialogue and added his own words in, it was not a verbatim class, but definitely Bikram instructions. The room had mirrors in the front and hard wood floors like the other studios. The room was warm. This particular teacher gave

corrections, unlike the other teachers I had at the Buffalo, NY studio. This class also did a different style sit-up, exactly the same as the one we did in the Warm 60 class in Buffalo, more of the Pilates style sit up.

16. On the community coffee table in the studio I found Bikram books and literature. There were both the "orange" Bikram book, and the "blue" Bikram book. They also had the orange book, the new one, for sale. I also found the same announcement for teacher training happening in June in NY posted on the wall. The studio literature was very blatant about the fact that they teach Bikram yoga, with some differences.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct and that this Declaration was executed in New York, New York, on November 18, 2012.

Andrea Hatton